

Absent—Excused

Fuller

House Bills on First Reading

The following bills received from the House were read the first time and referred to the committees indicated:

H. B. No. 31, to Committee on Agriculture and Livestock.

H. B. No. 156, to Committee on Water and Conservation.

H. B. No. 126, to Committee on Counties, Cities and Towns.

Senate Resolution 118

Senator Gonzalez offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate Carlos Cadena, City Attorney, City of San Antonio; and

Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; now, therefore, be it

Resolved, That his presence be recognized by the Senate of Texas and that he be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Gonzalez by unanimous consent presented Mr. Cadena to the Members of the Senate.

Adjournment

On motion of Senator Willis the Senate at 11:35 o'clock a.m. adjourned until 10:30 o'clock a.m. tomorrow.

TWENTY-THIRD DAY

(Tuesday, February 24, 1959)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Gonzalez
Baker	Hardeman
Bradshaw	Hazlewood
Colson	Herring
Crump	Hudson
Dies	Kazen
Fly	Krueger
Fuller	Lane

Martin
Moffett
Moore
Owen
Parkhouse
Phillips
Ratliff
Reagan

Roberts
Rogers
Secrest
Smith
Weinert
Willis
Wood

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

Our Father, we come to Thee in this sacred moment as perplexed pilgrims of the night seeking direction. We do not ask to see distant scenes, but give to these, Thy servants, the counsel of Thy holy will; and may it ever be in our minds as well as on our coins in God we trust. We pray in the Master's name. Amen.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Reports of Standing Committees

Senator Lane submitted the following report:

Austin, Texas,
February 24, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Jurisprudence, to whom was referred S. B. No. 126, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

LANE, Chairman.

Senator Bradshaw submitted the following reports:

Austin, Texas,
February 24, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Insurance, to whom was referred S. B. No. 24, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BRADSHAW, Chairman.

Austin, Texas,
February 24, 1959.

Hon. Ben Ramsey, President of the Senate:

‘ Sir: We, your Committee on Insurance, to whom was referred S. B. No. 158, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BRADSHAW, Chairman.

Senate Bills on First Reading

The following bills were introduced, read first time and referred to the committee indicated:

By Senator Krueger:

S. B. No. 219, A bill to be entitled "An Act to amend Article 3930, Revised Civil Statutes of Texas, 1925, as amended by Senate Bill No. 237, Acts of the 55th Legislature, Regular Session, 1957, Chapter 228, relating to fees which the Clerks of the County Courts shall receive for their services; providing a repealing clause, providing a severability clause, and declaring an emergency.

To the Committee on State Affairs.

By Senator Herring:

S. B. No. 220, A bill to be entitled "An Act repealing Article 614 of the Penal Code; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Herring:

S. B. No. 221, A bill to be entitled "An Act to amend Article 1341 of the Penal Code; so as to make the driving of vehicle on a public road without the consent of the owner a felony; providing penalties for violations; providing for severability; providing a saving clause; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Herring:

S. B. No. 222, A bill to be entitled "An Act amending Chapter 507, Section 2, page 819, Acts of the 47th Legislature, 1941, as amended by Senate Bill 153, Acts of the 52nd Legislature, Chapter 457, page 813, codified in Vernon's as Article 802b, Vernon's Penal Code, relating to the offense of driving while intoxicated, providing that a person who is convicted driving a motor vehicle upon any public road or highway in the State, or upon any street

or alley within an incorporated city, town or village while under the influence of intoxicating liquor, and who shall thereafter drive or operate an automobile or other motor vehicle upon any such road, highway, street or alley, while so intoxicated, shall be guilty of a felony; fixing penalties; providing a repealing clause and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Willis:

S. B. No. 223, A bill to be entitled "An Act amending Section 7, subdivision 3 of Chapter 530, Acts of the 54th Legislature, Regular Session, 1955, which Act amended and renumbered Chapter 470, Acts of the 45th Legislature, Regular Session, 1937, compiled in Vernon's Revised Civil Statutes as Article 2922-1, so as to extend survivor benefits under the Teacher Retirement System to all teachers who shall have completed one year of creditable service.

To the Committee on Education.

By Senator Roberts:

S. B. No. 224, A bill to be entitled "An Act relating to the type of instrument and amount thereof necessary to be shown to prove a violation of the Hot Check Law; amending Sec. 4, Chapter 17, Acts of 46th Legislature, 1939, as amended; and declaring an emergency"

To the Committee on Jurisprudence.

Senate Resolution 119

Senator Herring offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate the 7th Grade Government Class of O. Henry School, Austin, Texas, accompanied by their teachers and sponsors, Mrs. L. O. Cummings and the practice teacher, Miss Lee Ducker, and Mrs. R. L. Saldinger and Mrs. J. L. Simon; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and

that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

HERRING
FULLER

The resolution was read and was adopted.

Senator Herring by unanimous consent presented the students, teachers and sponsors to the Members of the Senate.

Senate Resolution 120

Senator Moffett offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Mr. Louis Pitcock, Sr., of Graham, Texas; and Mrs. Ruby A. Graham and Mrs. Barlo Bryan of Olney, Texas, all prominent citizens of their respective cities; and

Whereas, We desire to welcome these distinguished guests to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended an official welcome.

The resolution was read and was adopted.

Senator Moffett by unanimous consent presented the distinguished guests to the Members of the Senate.

Senate Resolution 121

Senator Roberts offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Mrs. E. A. Randles and Mrs. S. B. Day, both of McKinney, Texas; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Roberts by unanimous consent presented Mrs. Randles and Mrs. Day to the Members of the Senate.

Senate Resolution 122

Senator Wood offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate students of the Junior and Senior Classes of Eustace Independent High School of Eustace, Henderson County, Texas, accompanied by their teacher, Clyde T. Gartrell; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Wood by unanimous consent presented the students and Mr. Gartrell to the Members of the Senate.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
February 24, 1959,

Hon. Ben Ramsey, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 172, A bill to be entitled "An Act authorizing the State Highway Commission and the State Parks Board to enter into and perform contracts for the construction of roads in and adjacent to State Parks, in conformity with Chapter 340, Acts of the Fifty-third Legislature, Regular Session; providing a severance clause; and declaring an emergency."

H. B. No. 185, A bill to be entitled "An Act changing the name of Kerrville State Home to Kerrville State Hospital and defining its purpose and use; fixing an effective date for the change; stating the applicability of general laws to the institution, and of appropriations for and contracts in behalf of the institution under its former name; and declaring an emergency."

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Resolution 123

Senator Aikin offered the following resolution:

Whereas, Mrs. Joe Kellum, Linda Kellum, Doug Smith and Curtis Walters are visitors at the Capitol today; and

Whereas, The Senate is delighted to have them as guests; now, therefore, be it

Resolved, That they be extended a hearty welcome to their State Capitol.

The resolution was read and was adopted.

Senator Aikin by unanimous consent presented the visitors from Hopkins County to the Members of the Senate.

Reports of Standing Committee

Senator Hardeman, by unanimous consent, submitted the following reports:

Austin, Texas,
February 24, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 113, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
February 24, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 2, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
February 24, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 10, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
February 24, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 165, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
February 24, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 142, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
February 24, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 212, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Senate Bill 146 on Second Reading

Senator Parkhouse moved that Senate Rules 116 and 13 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 146 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—28

Aikin	Kazen
Baker	Krueger
Bradshaw	Lane
Colson	Martin
Crump	Moffett
Dies	Owen
Fly	Parkhouse
Fuller	Phillips
Hardeman	Ratliff
Hazlewood	Reagan
Herring	Roberts
Hudson	Rogers

Secrest
Smith

Willis
Wood

Present—Not Voting

Gonzalez

Absent

Moore

Weinert

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 146, A bill to be entitled "An Act amending Section 1, Chapter 184, Acts of the 44th Legislature, Regular Session, 1935, as amended (codified in Vernon's as Section 1 of Article 5890b, Vernon's Civil Statutes) providing for the creation of the Texas National Guard Armory Board so as to change the membership of the Board; providing certain present members of the Board shall continue to serve as members for the remainder of their term of office; prescribing certain powers and duties of the members of the Board; providing a severability clause; and declaring an emergency."

The bill was read second time.

Senator Hudson offered the following amendment to the bill:

Amend S. B. 146 by adding a new section to be known as Section 2A to read as follows:

"Section 2A. Provided, however, that the present member, Col. Fredrich Weston, shall continue as a member until the expiration of his term as now provided by law."

The amendment was adopted.

On motion of Senator Parkhouse and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 146 on Third Reading

Senator Parkhouse moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 146 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Willis
Kazen	Wood
Krueger	

Absent

Moore

Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

(Senator Hardeman in the Chair.)

**Senate Concurrent Resolution 16
on Second Reading**

Senator Herring moved that Senate Rules 116 and 13 and Section 5 of Article III of the State Constitution be suspended and that S. C. R. No. 16 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

The Presiding Officer laid before the Senate on its second reading the following resolution:

S. C. R. No. 16, Authorizing the Board of Regents of the University

of Texas to construct and equip a teaching art museum.

The resolution was read and was adopted.

House Bills on First Reading

The following bills received from the House were read the first time and were referred to the Committee indicated:

H. B. No. 172, To the Committee on State Affairs.

H. B. No. 185, To the Committee on State Affairs.

Motion to Place Committee Substitute Senate Bill 59 on Second Reading

Senator Gonzalez moved that Senate Rules 116 and 13 and Section 5 of Article III of the State Constitution be suspended and that C. S. S. B. No. 59 be taken up for consideration at this time.

The motion was lost by the following vote: (Not receiving four-fifths vote of the Members of the Senate)

Yeas—24

Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Phillips
Dies	Ratliff
Fly	Reagan
Gonzalez	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Willis
Krueger	Wood

Nays—5

Aikin	Martin
Hardeman	Parkhouse
Lane	

Absent

Fuller	Weinert
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(Senator Martin in the Chair.)

Motion to Place Committee Substitute Senate Bill 59 on Second Reading

Senator Gonzalez again moved that Senate Rules 116 and 13 and Section

5 of Article III of the State Constitution be suspended and that C. S. S. B. No. 59 be taken up for consideration at this time.

The motion was lost by the following vote: (Not receiving four-fifths vote of the Members of the Senate)

Yeas—22

Bradshaw	Krueger
Colson	Moore
Crump	Owen
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Willis
Kazen	Wood

Nays—7

Aikin	Moffett
Hardeman	Parkhouse
Lane	Smith
Martin	

Present—Not Voting

Baker

Absent

Weinert

Message from the House

Hall of the House of Representatives
Austin, Texas,
February 24, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 187, An Act changing the name of the Livestock Sanitary Commission to the Texas Animal Health Commission; and declaring an emergency.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Adjournment

On motion of Senator Hardeman the Senate at 11:40 o'clock a.m. adjourned until 10:30 o'clock a.m. tomorrow.

In Memory of
Mr. Hubert M. Harrison

Senator Parkhouse offered the following resolution:

(Senate Concurrent Resolution 20)

Whereas, God in His infinite wisdom, called from these earthly labors Mr. Hubert M. Harrison of Dallas, Dallas County, Texas, December 25, 1958. Mr. Harrison was born and reared in Greenville, Texas; and

Whereas, Mr. Harrison was a native of Greenville in East Texas and his most valuable contribution to the progress of the state was made during the 25-year period he served as vice president and general manager of East Texas Chamber of Commerce; and

Whereas, After his graduation from Baylor University, Mr. Harrison worked for several years as a newspaper reporter; he became general manager of Wichita Falls Chamber of Commerce, the position he relinquished to go with the East Texas Chamber of Commerce, which he had helped to organize; and

Whereas, This well-known East Texan was a board member of the Highland Park Methodist Church, where he taught a Sunday School Class for ten years; a member of the Masonic Lodge; the Dallas Athletic, Press and Rotary Clubs; and many other civic organizations. During World War I, he served with the Treasury Department organizing Liberty Bond drives in the state; and

Whereas, He was an able organizer, an effective speaker and a writer of outstanding ability; he was remarkable for his tact and friendliness, his cheerfulness and his devotion to the welfare of Texas, and to his family and his church. He became a potent agent for betterment of county government and for helping cities and counties in the area to unite in dealing with the problems they had in common. Mr. Harrison moved to Dallas three years ago where he served the Dallas East organization, and he continued his civic activities until his death. He made a record for himself that was equalled by few and excelled by none; now, therefore, be it

Resolved, by the Senate of Texas, the House of Representatives concurring, That this resolution be adopted, and when the Legislature adjourns today, it do so in honor and respect to the memory of this distinguished citizen; that a copy of this resolution be sent to his surviving wife, Mrs. Jane Harrison of Dallas, Texas; a daughter, Mrs. Hugo Allen of San Antonio, Texas; and to his brother, Mr. Walworth Harrison of Greenville, Texas.

PARKHOUSE
LANE
AIKIN
WOOD
COLSON
DIES

The resolution was read and was adopted by a rising vote of the Senate.